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*Attorney for Plaintiff*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
Spokane Division

STATE FARM MUTUAL AUTOMOBILE  
INS. CO.

Plaintiff,

vs.

UNITED STATES POSTAL SERVICE, A  
GOVERNMENT ENTITY,  
Defendant.

No.

COMPLAINT FOR NEGLIGENCE

COMES NOW Plaintiff State Farm Mutual Automobile Insurance Company and for  
cause of action against Defendant United States Postal Service alleges:

**INTRODUCTION**

1. This is a subrogation action by Plaintiff to recover damages arising from an  
automobile collision caused by the negligent operation of a United States Postal Service Vehicle  
by a United States Postal Service employee.

**THE PARTIES**

2. Plaintiff, State Farm Mutual Automobile Insurance Company, is a corporation doing  
business in the state of Washington.

1 3. That at all times material hereto Defendant United States Postal Service was a  
2 government entity operating in Spokane, Washington, within the jurisdiction of the Eastern  
3 District of Washington, Spokane Division.

4 4. That all acts done by David Eisenrich were done individually and on behalf of his  
5 employer, the United States Postal Service, and at all times material hereto, David Eisenrich,  
6 was operating within the scope of her employment on behalf of his employer.

7 **JURISDICTION AND VENUE**

8 5. The claims herein are brought against the U.S. pursuant to the Federal Tort Claims  
9 Act (28 U.S.C. §2671, *et. seq.*) and 28 U.S.C. §1346(b)(1), for money damages as compensation  
10 for loss of property that was caused by the negligent acts of agents and employees of the United  
11 States Government under circumstances where Defendant United States Postal Service, if a  
12 private person, would be liable to Plaintiff in accordance with the law of the state of  
13 Washington.  
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15 6. Venue is proper in that all acts forming the basis of Plaintiff's claims occurred in  
16 Spokane, Washington, within the Eastern District of Washington, Spokane Division.

17 7. Plaintiff has fully complied with the provisions of 28 U.S.C. §2675 of the Federal  
18 Tort Claims Act.

19 8. This suit has been timely filed, in that Plaintiff timely served notice of its claim on the  
20 United States Postal Service Tort Claims Coordinator, 34301 9<sup>th</sup> Ave Suite 243, Federal Way,  
21 WA 98003 on or about June 2, 2021. Over six months have lapsed since the claim notice was  
22 sent to the United States Postal Service which has failed to respond.

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**EVENTS FORMING THE BASIS OF THE CLAIM**

9. On or about December 4, 2020, a vehicle owned by the United States Postal Service and operated by David Eisenrich, was operated negligently. David Eisenrich was backing out of the parking spot when he collided with Dusty L. Johnston ("Plaintiff's insured.")

10. David Eisenrich had duty to ensure it was safe to back his vehicle out of the parking spot. See RCW 46.61.605 (1).

11. David Eisenrich breached his duty, which caused a collision with a vehicle owned and operated by Plaintiff's insured. But for David Eisenrich's breach of duty, said collision would not have occurred.

12. The subject collision caused property and related damages to Plaintiff's insured's vehicle in the amount of \$1,401.37.

**DAMAGES**

1. Plaintiff has suffered the following injuries for which it seeks full compensation under the law:

a. Plaintiff, by its contract of insurance with its insured, has paid for the damage to his vehicle, and moreover, its insured paid a \$500.00 deductible.

b. Plaintiff's insured contractually and equitably assigned to Plaintiff, to the extent of said payments, his property damage and related claims against Defendant.

c. Plaintiff is entitled to court costs and may be entitled to fees under to RCW 4.84 et seq.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff seeks a judgment against Defendant, United States Postal Service, a government entity, for property and related damages in the amount of \$1,401.37,

1 together with Plaintiff's costs and disbursements incurred herein, plus attorney fees if  
2 recoverable by statute, and for such other and further relief as the court may deem just and  
3 equitable.

4 RESPECTFULLY SIGNED ON September 28, 2022.

5 /s/ *Adil A. Siddiki*  
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